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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/217,389	12/21/1998	ONDREJ SUCH	777.154US1	8400

26389 7590 02/10/2004

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EXAMINER
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ZHEN, LI B

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 02/10/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/217,389

Applicant(s)

SUCH, ONDREJ

Examiner

Li B. Zhen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 11-16 is/are allowed.  
6) ☒ Claim(s) 1-3, 17 and 19 is/are rejected.  
7) ☒ Claim(s) 4-10, 18 and 20 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1 – 20 are pending in the application.

***Allowable Subject Matter***

2. Claims 11 – 16 are allowed.
3. Claims 4 – 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 18 and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1 – 3, 17 and 19 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "lock being capable of returning to a pool of locks" in claim 17 (line 6) and claim 19 (line 4) is indefinite because it is unclear if the lock is actually returned

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to the pool of locks or not. The lock is capable of returning to the pool of locks but lock may or may not return to the pool of locks.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1 – 3, 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,430,638 to Kessler.

10. As to claims 1, 17 and 19 [note the rejected under 35 U.S.C. 112, second paragraph for claims 17 and 19 above], Kessler teaches a system, computer and computer-readable medium [method and apparatus for synchronizing threads using selective object locking; col. 5, lines 9 – 15] for providing a recyclable the locking mechanism [since lock object C 217 is designated as the lock object to be used by objects 202, 204, 206, lock object C 217 is reused, which saves system resources and improves performance since relock operations are used instead of lock operations; col. 7, lines 18 – 25], at least one thread [synchronizing threads using selective object locking; col. 5, lines 9 – 15], a pool of locks [lock objects 209, 213, 217, Fig. 2; col. 6, lines 12 – 25 and 30 – 65], at least one object that is capable of representing a resource

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needed by the at least one thread [Object A 202 includes data 208, Object B 204 includes data 212, Object C 206 includes data 216; col. 5, lines 50 - 67], the at least one object having a variable [the parameter either (1) specifies a lock object; col. 8, lines 48 - 65], associating a lock from the pool of locks with the at least one object using the variable as a pointer [code 222 causes a lock to be obtained on the lock object specified by the lock object parameter...the lock object parameter specifies lock object 217 associated with object C 206; col. 9, lines 3 - 15], and returning the lock to the pool of locks when the at least one thread no longer needs to access the resource [step 316, 318, and 320, Fig. 3B; col. 7, lines 5 - 25] without having to destroy the at least one object [since lock object C 217 is designated as the lock object to be used by objects 202, 204, 206, lock object C 217 is reused, which saves system resources and improves performance since relock operations are used instead of lock operations; col. 7, lines 5 - 25]. Examiner notes that lock object C 217 is reused to lock objects 202, 204, and 206 with out having to destroy any of the objects 202, 204 and 206.

11. As to claim 2, Kessler teaches deassociate the lock from the object upon a second request by thread [execution of code 233 causes one lock on lock object C 217 held by object C 206 to be released and return control to method 214; col. 7, lines 5 - 10].

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12. As to claim 3, Kessler teaches an associated variable that comprises an integer [the parameter either (1) specifies a lock object or (2) specifies a predetermined value which indicates that no object locking is to be performed; col. 8, lines 48 - 65].

### ***Conclusion***


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (703) 305-3406. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Li B. Zhen  
Examiner  
Art Unit 2126

lbz  
February 6, 2004

  
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